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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,797	07/17/2003	David Chinner	1252.1080	8455

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EXAMINER

ROSE, HELENE ROBERTA

ART UNIT	PAPER NUMBER
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DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/620,797	Applicant(s) CHINNER ET AL.	
	Examiner Helene R. Rose	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. Claims 1-28 have been presented for examination.
2. Claims 1-28 have been rejected.

Claims Rejections –35 U.S.C 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Clayton et al (US Patent No. 6,971,101).

Claims 1,11, and 20:

Regarding claims 1,11, and 20, Clayton teaches at least one computer readable medium storing at least one program embodying a method of processing requests to access computing resources (see Figure 1, all features, said method comprising:

scheduling execution of the resource acquisition requests (column 3, lines 49-61, Clayton) in accordance with user configurable metering (column 7, lines 4-14, wherein priority level is assigned in accordance with requests, Clayton).

Claims 2, 12, and 21:

Regarding claims 2, 12, and 21, Clayton teaches a method further comprising sorting (column 8, line 64, wherein calling can occur through any sort of chooser, Clayton) the resource acquisition requests into at least two separate queues (column 7, lines 17-21, wherein priority levels 252, 254, 256 are sub-queues, see column 5, lines 13-18, wherein the sub-queues are defined, Clayton) for different request types (column 7, lines 17-18, wherein Importance Factor is a type and lines 29-31, wherein urgency factor is a type, Clayton)

Claims 3, 13, and 22:

Regarding claims 3, 13, and 22, Clayton teaches a method further comprising configuring metering of the resource acquisition requests in response to input from an administrator of the system (column 7, lines 21-28, Clayton)

Claims 4, 14, and 23:

Regarding claim 4, 14, and 23, Clayton teaches wherein said configuring includes specifying a first number (column 5, lines 49-51, Clayton) of the resource acquisition requests from a first queue to be performed (column 6, lines 13-15, Clayton) for a second

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number (column 5, lines 51-53, Clayton) of the resource acquisition requests from a second queue (column 6, lines 15-17, Clayton), as long as the resource acquisition requests are queued in both the first and second queues (column 6, lines 17-20, Clayton).

Claims 5, 15, and 24:

Regarding claims 5, 15, and 24, Clayton teaches wherein said configuring includes specifying a corresponding number of the resource acquisition requests to be executed for each of the at least two separate queues (column 6, lines 10-13, Clayton) when more than two of the separate queues are provided (column 6, lines 1-10, Clayton).

Claims 6, 16, and 25:

Regarding claims 6, 16, and 25, Clayton teaches a method further comprising establishing a maximum number of threads (column 1, lines 55-67, wherein a thread is defined as a process that is part of a large process or program, Clayton) for executing resource acquisition requests in response to the input from the administrator (column 7, lines 47-56, Clayton).

Claims 7, 17, and 26:

Regarding claims 7, 17, and 26, Clayton teaches wherein the maximum number of threads for executing resource acquisition requests is at least as large as a sum of the first and second numbers (columns 7-8, lines 61-67 and lines 1-13, wherein a five minute difference between time and implementation time, Clayton)

Claims 8,18, and 27:

Regarding claims 8,18, and 27, Clayton teaches wherein the first and second numbers are each larger than one (column 5, lines 13-15, wherein there is a zero, first, and second priority, Clayton).

Claims 9,19,and 28:

Regarding claims 9,19, and 28, Clayton teaches wherein a default metering is used when no input is received from the administrator (column 8, lines 21-39, wherein attempt is made to take over the user interface and only allows when an acknowledgement is made, Clayton).

Claim 10:

Regarding claim 10, Clayton teaches wherein the first queue is for read requests, the second queue is for write requests and the default metering is two read requests for two write requests (column 2, lines 17-34, wherein an open network is able to read requests and write requests and column 4, lines 53-59, Clayton) executed by four threads (see Figure 1, all features, wherein threads is defined as a process that is part of a large process or program, Clayton).

Prior Art of Record

1. Clayton et al (US Patent No. 6,971,101) discloses a resource acquisition requests for a file system are executed under user configurable metering, wherein as resource acquisition requests are received by a file system server, the resource acquisition requests are sorted into queues, e.g., where read and write requests have at least one queue for each type, plus a separate queue for metadata requests as they are executed ahead of any waiting read or write request, wherein the file system server controls execution of the file system resource acquisition requests to maintain the ratio set by the system administrator.
2. Larson (US Patent No. 6, 754,690) discloses a time-partitioned system for accounting for processor time consumed by operating system services provided on behalf of an application running in a real-time environment, wherein the time utilized by the operating system is treated as being application processing time, rather than viewing the resultant processor time consumed as an operating system overhead.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene R. Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helene R Rose
Technology Center 2100
January 6, 2006



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